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Attorneys for Plaintiffs'

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAREN HEATHERLY; and IRMA
RAMIREZ,

Plaintiffs,

v.

MARISCO'S LA JAIBA; XU TRUONG
and AHN HOANG, TRUSTEES OF THE
TRUONG/HOANG FAMILY TRUST,
U.D.T. dated March 18, 1997; and
MIGUEL PELAYO MONTIEL, an
individual dba MARISCO'S LA JAIBA,

Defendants.

CASE NO. CV-11-1069-MEJ

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511

1 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of
2 settlement agreements).

3 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
4 their designated counsel that the above-captioned action be and hereby is dismissed with
5 prejudice
6 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

7 This stipulation may be executed in counterparts, all of which together shall constitute
8 one original document.

9
10 Dated: October 9, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

11
12 By: /s/ Thomas E. Frankovich
13 Thomas E. Frankovich
14 Attorney for DAREN HEATHERLY; and IRMA
RAMIREZ, each an individual

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16
17 Dated: _____, 2011

Brian J. Purtill, Esq.

18
19 By: _____
20 Brian J. Purtill, Esq.
21 Attorneys for XU TRUONG and AHN HOANG,
22 TRUSTEES OF THE TRUONG/HOANG FAMILY
23 TRUST, U.D.T. dated March 18, 1997
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9
10 Dated: _____, 2011

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

11
12 By: _____
13 Thomas E. Frankovich
14 Attorney for DAREN HEATHERLY; and IRMA
RAMIREZ, each an individual

15
16
17 Dated: Nov 1, 2011

Brian J. Purtill, Esq.

18
19 By: 
20 Brian J. Purtill, Esq.
21 Attorneys for XU TRUONG and AHN HOANG,
22 TRUSTEES OF THE TRUONG/HOANG FAMILY
23 TRUST, U.D.T. dated March 18, 1997
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3 Dated: 11/9/11, 2011

Robert S. Aaron, Esq.

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5 By: 

Robert S. Aaron, Esq.

6 Attorneys for MIGUEL PELAYO MONTIEL, an
7 individual dba MARISCO'S LA JAIBA,
8

9 **ORDER**

10 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
11 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
12 the purpose of enforcing the parties' Settlement Agreement and General Release should such
13 enforcement be necessary

14 Dated: November 10, 2011

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16 
17 Honorable Judge Maria-Elena James
18 UNITED STATES DISTRICT JUDGE
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